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Interagency Group/Countermeasures
Washington, D.C. 20505

D/ICS-84-0879
31 August 1984

MEMORANDUM FOR: Members and Invitees

FROM:
Executive Secretary

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SUBJECT: Final Minutes of Thirteenth IG/CM Meeting,
8 August 1984

Attached are final minutes of the thirteenth IG/CM meeting held on
8 August 1984. (U)

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Attachments:
a/s



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SUMMARY OF IG/CM MEETING

8 August 1984
Room 6W02, Community Headquarters Building

1. The thirteenth meeting of the IG/CM was convened at 1400 hours, 8 August 1984, by the Chairman (DUSD-Policy), General Richard G. Stilwell, USA (Ret.). A list of individuals attending is at Attachment 1. (U)

2. The Chairman made the following opening remarks:

a. Along with the agenda for instant meeting, the Secretariat had provided the IG/CM membership an information copy of a State Department progress report of the Overseas Security Policy Group (OSPG). The report indicates substantial progress in efforts to coordinate the protection of personnel, facilities, and national security information at US missions abroad. The Secretary of State's creation of a select panel to advise on means for continuous enhancement of security abroad is particularly applauded. Membership for the Select Panel is still being determined. (U)

b. DoD's plan for implementation of the Congressionally granted authority (1984 Defense Authorization Bill) for DoD withholding from FOIA disclosure that technical data subject to export control laws, has been in coordination to include publication in the Federal Register for some time. The many public comments received have all been accommodated without appreciable dilution of the plan, and it is ready for final presentation before Congress. It will probably be issued by the end of the year. (U)

c. Per intent stated at the last IG/CM meeting, discussion was held with Robert Kimmitt (Executive Secretary of the NSC) concerning the need for an Executive form of intelligence policy issuance short of a Presidential directive. Mr. Kimmitt understands the problem, believes Mr. McFarlane would sign issuances "by direction of the President," and will coordinate this possibility with Mr. McFarlane and report results back to the IG/CM Chairman. (U)

3. The Chairman turned to the scheduled agenda, which was discussed with the following results:

a. LEAK LEGISLATION; The Chairman reviewed results of the last IG/CM discussions of the unauthorized disclosure problem. The Chairman of the DCI Security Committee (SECOM), Robert Leidenheimer, subsequently advised that the Unauthorized Disclosure Subcommittee report on intelligence leaks would soon be ready for distribution. Mary Lawton, DoJ, then focused discussion on a draft unauthorized disclosure

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legislative bill previously provided to IG/CM members for comment. She indicated her review of the bill as well as its background and intent lead to the question: In presenting the bill, do we go for the desirable or the passable? She then outlined several points which should be considered in answering this question: (U)

- Who should be covered by the legislation? Provisions of the bill could be limited to only those in the Executive Branch of Government or be structured to apply to all three branches of Government. Additionally, it could be designed to pertain only to Government employee unauthorized disclosures outside the Government structure or to unauthorized intra-governmental disclosures as well. (U)
- What should be the penalty structure? Penalties can be structured to be as significant as the magnitude of the unauthorized disclosure offense or they can be set low enough to encourage frequent use of the legislative authority in appropriate cases. Ms. Lawton capsuled the range of penalties contained in existing related legislation to point out the volume of precedential guides available. (U)
- What is the appropriate placement of the bill within the existing criminal code system? This is basically a tactical question relating to the palatability of the proposed bill. Authority listed under the Espionage and Censorship sections of the criminal code may receive different perception from that listed under, for example, the Public Officers and Employees section. (U)
- Who should sponsor the proposed legislation? This question was raised by the Chairman as an additional important issue for consideration. Ms. Lawton suggested that rather than single agency sponsorship, a more united and possibly weighty front could be demonstrated by joint Community sponsorship. She indicated there is precedent for joint legislative sponsorship. Steven Garfinkel, ISOO, noted that the NSC has been working with the Congress on NSDD-84 issues somewhat related to this subject. He suggested the possible incorporation of the present effort with that of the NSC, which could result in putting before Congress a bill containing an Administration position. This course of action would not require sponsorship by a particular governmental agency. He opined that such a coordinated bill might garner bipartisan Congressional sponsorship and reinforce the Administration's position. (U)
- Should the proposed bill apply to any classified data or be limited to only "properly" classified data? Ms. Lawton noted the option of specifying in the bill the requirement for the disclosed information to have been "properly" classified or the option of remaining silent by leaving the wording as presently structured in the original draft. She cited for information a 1950s case decision which did not require the Government to prove the "properness" of the classification of disclosed information which was marked as

classified. The DoE representative, Robert Wingfield, indicated DoE was presently dealing with a court case in which it is being asked to prove the properness of the classification of disclosed information. (U)

Ms. Lawton concluded by suggesting that the heavy penalty and stigma attached to presently available legislation which would be used to deal with unauthorized disclosures seemed to support efforts to obtain another bill. The Chairman asked for any objections to an effort to further craft legislation on leaks for presentation to Congress next year. The IG/CM membership elected to move ahead with development of appropriate new legislation. (U)

ACTION:

- DoJ is to coordinate with Mr. Robert Kimmitt at the White House for suggestions as to how best to proceed in crafting an unauthorized disclosure bill. (U)
- IG/CM members are to provide the secretariat, by 1 October 1984, respective agency/department preferences concerning the key questions outlined above as well as any other points considered important in the development of the draft bill. (U)
- DoJ is to report on the results of NSC/White House consultations and on consideration of IG/CM member comments at the next scheduled IG/CM meeting. (U)

b. **TEMPEST Policy and Threat Data:** The NSA representative, [redacted] reported on NSA's proposed solutions for TEMPEST issues raised at the last IG/CM meeting. After appropriate research, he had determined the perceived problem of getting out the word on the new TEMPEST policy was really a non problem. He provided a handout reflecting the official distribution of National COMSEC Instructions (NACSI) 5004 and 5005 which contain the new policy directions. He indicated NSA was prepared to expand this distribution upon request. He commented that direct distribution of the NACSI was the fastest way to get the word out. Several agencies or departments, however, are converting the NACSI guidance into appropriate individual agency regulations and this, in part, has accounted for some of the delay. In response to questioning, [redacted] indicated NSA would provide, upon request, written approval for direct distribution of the NACSI to DoD contractors. (U)

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In regard to means of improving TEMPEST threat data dissemination, [redacted] referred to NSA distribution of COMSEC Threat Special studies such as its October 1983 report on the TEMPEST threat. He indicated that reports such as these special studies, as well as on-call special briefings designed for various level audiences, are means used to improve the dissemination of threat data. He provided a handout reflecting the distribution of the cited special study and the audience for the highly sensitive Executive-level version of the on-call briefing. (U)

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ACTION: Members desiring additional information or action should contact the NSA representative. (U)

c. Standardizing SCI Security Requirements: [redacted] STAT

Chairman, SECOM, cited the July 1982 Capabilities Study recommendation for more standardization of security standards for SCI contractors. He then provided a briefing on steps taken by SECOM to establish and monitor uniform security requirements for SCI-cleared personnel and contractors. He summarized the role of SECOM as a DCI committee. He then sketched the content and purpose of several Director of Central Intelligence directives (DCIDs) and other procedural guides which the Intelligence Community has fully coordinated on and which the SECOM has subsequently recommended to the DCI for his approval as SCI security standards. Some of the areas which he covered concerned standards for personnel, physical and procedural security, TEMPEST, TSCM, intelligence information and automated security, and security controls on intelligence information and on travel and assignment of personnel. He indicated that while industrial security was not covered as a separate subject, SCI security provisions pertaining to industrial security were covered in the cited publications. [redacted] stressed that all of these areas are monitored by designated subcommittees of the SECOM which update the information and guidance as necessary. He said special training is sponsored by the SECOM to further standardization, including seminars for personnel security adjudicators and security officers. [redacted] observed that while there are baseline standards for SCI, variations which occur result from departmental conversion of DCIDs into individual regulations, as cited by [redacted] and from the individual agencies' resources and security philosophies. Additional resources allow them to increase the baseline security requirements. He concluded by suggesting the "Capabilities Study" recommendation for additional SCI standardization was misstated and recommended no further IG/CM action. The Chairman indicated the presentation was comprehensive and that SECOM seemed to have the situation well in hand. (U)

ACTION: None

d. DoD "Carve Out" Programs: A representative from OSD, Anthony Mitchell, provided an overview of efforts to strengthen control and non-SCI security standards within special access DoD/Industrial Programs. ("Carve Out" contracts). He indicated Executive Order 12356 provided the authority for special access categories for both intelligence and non-intelligence activities related to special access programs for operations and research and development. He advised that the number of such programs has rapidly grown over the years, causing both DoD and Congress to give greater attention to their uniformity of control and security oversight. In part as a result of a GAO survey of special access programs, DoD is revising its information security program regulation. Major new provisions of the regulation require improvement and expansion of program manager reporting requirements to respective agency heads and a more detailed inspection program to ensure the use and application of more stringent security requirements and their adequacy within "Carve Out" program contracts. Once the regulation is promulgated (circa

October 1984), more uniform practices and procedures will be developed by service departments. Specific centralized training for special access program security officers is envisioned. The specific costs for improved control and security are not presently identifiable, but such information should be made available to decisionmakers. (U)

ACTION: None

e. New Business: Mr. L. Britt Snider, OSD, mentioned two issues which DoD is looking into which might also be worthy of examination by other agencies to whom the issues are applicable. (U)

1. Foreign nationals overseas with access to classified information. How many? Who are they? Are pertinent governing regulations adequate and adhered to? (U)

2. Contract employees assigned overseas who have US security clearances. What is their real access? Who provides security control over them? Is there a problem? (U)

ACTION: Mr. Snider will amplify these points at a subsequent IG/CM meeting. IG/CM members should consider their applicability to respective overseas activities. (U)

4. The meeting adjourned at 1510. (U)

ATTENDEES

IG/CM Meeting, 8 August 1984
Room 6W02, Community Headquarters Building

<u>NAME</u>	<u>ORGANIZATION</u>	
STILWELL, Richard G.	OSD	
SNIDER, L. Britt	OSD	
DONNELLY, John F.	OSD	
FAJANS, Arthur	OSD	
MITCHELL, Anthony.	OSD	
DU HADWAY, Thomas	FBI	
		STAT
VINETT, Peter	Army	
ALLEN, Robert C.	Navy	
PASEUR, George	Air Force	
GREISEN, Bruce R.	Marine Corps	
		STAT
HEICHLER, Lucian	DIA	
COLLINS, Richard	State	
LAWTON, Mary C.	State	
		STAT
WINGFIELD, Robert L.	Justice	
GARFINKEL, Steven	SECOM	
McBRIEN, Robert	DoE	
DORNAN, Diane	ISOO	
		STAT
<u>Secretariat</u>		
		STAT
CCIS/ICS		

CCIS/ICS: [redacted] STAT

Distribution of Final Minutes of Thirteenth IG/CM Meeting (D/ICS-84-0879)
(w/atts as shown):

1 - Gen. Stilwell, OSD STAT
5 - Mr. Snider, OSD (to be distributed to Army, Navy, Air Force and
Marine Corps)
1 - Mr. Du Hadway, FBI STAT
1 - [redacted] CIA STAT
1 - Mr. Heichler, State STAT
1 - [redacted] NSA STAT
1 - Mr. deGraffenreid, NSC STAT
1 - [redacted] DIA (for JCS) STAT
1 - [redacted] SECOM STAT
1 - Ms. Lawton, DoJ
1 - Mr. McBrien, Treasury
1 - Mr. Peterson, Commerce
1 - Mr. Wingfield, Energy
1 - Mr. Krohn, FAA
1 - CAPT Grady, Coast Guard
1 - Mr. Garfinkel, ISOO
1 - DCI
1 - DDCI
1 - ER
1 - ICS Registry
1 - IG/CM subject
1 - IG/CM chrono